

The Board is proposing to eliminate the continuing education approval fee that has historically been charged to licensees. The Board estimates that approximately an average of 25 licensees a year will be affected by the change. The estimated annual net increase in revenue is approximately \$12,240. The Board has committed to exploring ways to reduce costs. With the proposed fee increase, the Board's projected annual revenue is \$45,225. The Board's appropriation for fiscal year 2005 is \$35,996 including a recharge of \$18,635 and for fiscal year 2006 is \$43,847 including a recharge of \$21,882. The recharge amount is the cost assessed to the Board to cover the costs incurred by the Department to administer the Board, as required by 37-1-131(4), MCA. There are three units that provide these services to the Board: the Business Standards Division, the Health Care Licensing Bureau and the Legal Unit. The costs are allocated to each board based on time distribution of each employee who works for the Board, as well as, normal overhead costs such as rent, telephone, computer costs, etc. The Board believes that the proposed fee structure will address the Board's need to maintain fees at a level commensurate with costs.

The Board advises licensees and the public that it has researched the comparable fees of surrounding states. With the proposed fee increases, Montana fees are comparable to those charged by Colorado, Idaho, North Dakota, South Dakota, Oregon, Washington and Wyoming.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdnha@mt.gov, and must be received no later than 5:00 p.m., September 14, 2005.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at www.nha.mt.gov. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Nursing Home Administrators maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Nursing Home Administrators administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdnha@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Jack Atkins, attorney, has been designated to preside over and conduct this hearing.

BOARD OF NURSING HOME ADMINISTRATORS
DEBORAH WILSON, CHAIRPERSON

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Rule Reviewer

Certified to the Secretary of State August 1, 2005